

# Examiner-Initiated Interview Summary

Application No.

09/528,766

Applicant(s)

RADUE, MARTIN L.

Examiner

Timothy P. Solak

Art Unit

3746

## All Participants:

(1) Timothy P. Solak.

(2) Jonathan Cutler.

## Status of Application: Allowance

(3) Dominic Goudreault.

(4) \_\_\_\_\_.

Date of Interview: 6 April 2005

Time: PM

## Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

## Part I.

Rejection(s) discussed:

*None*

Claims discussed:

*38 and 47*

Prior art documents discussed:

*Takamizawa (3,606,595)*

## Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

## Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

I informed Jonathan Cutler that I had reviewed the amendment and remarks of 02/02/2005 and that the arguments were not persuasive. I informed Jonathan Cutler, that reciprocating pumps were well known and the instant invention did not claim sufficient structure to overcome the art of record (none specifically mentioned). I suggested using a means plus function, such as --means for returning the moveable member-- as a possible solution.

Jonathan Cutler questioned the use of the means plus function and stated that the resilient member was already being claimed. Jonathan Cutler stressed the importance of the permanent magnet and spring. Jonathan Cutler stressed, that in his opinion, that the prior art did not disclose using the magnetic field of a permanent magnet along with a biasing spring.

Pointing to specification, (page 10, lines 1-10; page 3, lines 2-15 and page 11, lines 20-23), I cited the advantages of the instant invention, such as using less amperage. I question Jonathan Cutler, what structure in the instant invention was responsible for the advantages.

Jonathan Cutler stated the improved performance resulted from the magnetic field of the permanent magnet interacting with the magnetic field from the coil to move the pump in one direction and then using the magnetic field of the permanent magnet interacting with the field from the coil and interacting with the spring to move the pump in the other direction.

Jonathan Cutler, suggested faxing a proposed amendment (now attached, (A)). Further, Jonathan Cutler stated that an additional IDS was going to be submitted. I requested Jonathan Cutler, to fax a copy of the IDS (now attached (B), copies of the references were also received however have not been include because the originals are now of record) to me to expedite the process.

On 04/14/2005, after reviewing the proposed changes and references connected with the IDS, I informed Jonathan Cutler, that the changes did not overcome the prior art. As proposed, I informed Jonathan Cutler, the signal limitations did not overcome using a standard AC source. I suggested elaborating of the signals as a possible solution. Jonathan Cutler suggested faxing (now attached, (C)) some changes.

After reviewing the proposed changes I informed Jonathan Cutler that I believed the case was in condition for allowance. Jonathan Cutler, agreed to fax in an amendment (now attached, (D)).

On 04/19/2005, I informed Jonathan Cutler that I had reconsidered the case and in view of the prior art of record, namely Takamizawa (3,606,595), the limitations directed toward the signal did not overcome a standard alternating current signal. In discussing Takamizawa, it was agreed that Takamizawa did not teach a moving coil or magnet, however, I stressed to Jonathan Cutler the teachings of the signal caused such a signal to be obvious. I suggested elaborating of the signals as a possible solution. Jonathan Cutler suggested faxing some proposed changes.

On 04/27/2005, Jonathan Cutler, returning my call, left a message informing me that he would be out of the office and that Dominic Goudreault would be filling in for him.

On 04/28/2005, after reviewing the proposed amendment of 04/20/2005, I informed Dominic Goudreault that I would enter the amendment but that the changes directed towards the signal, while overcoming the prior art would not be given patentable weight because they were directed toward a non-statutory element i.e. a signal or in other words the limitations amounted to method steps in an apparatus claim. I suggested adding hardware to generate the signals as a possible solution. Dominic Goudreault agreed with all the changes set forth in the Examiner's Amendment.

Further I question Dominic Goudreault about the statement made under 1.97(e) accompanying the IDS, namely "a patent search done in the Japanese Patent Office" (page 2). Dominic Goudreault stated that the search was not done by the Japanese Patent Office and that no counterpart foreign applications were filed.

Finally I informed Dominic Goudreault that new drawings were going to be needed including the changes approved on 01/22/2002.